REMARKS

This Amendment is filed in response to the Office Action mailed August 20, 2008. The Applicant respectfully requests reconsideration of the rejections presented therein. All rejections are respectfully traversed.

Claims 35 – 40, 46, and 49 – 62 are pending in this case.

Claims 36 – 37, 40, 54, and 61 have been amended.

Drawings

At paragraph 2 of the Office Action, the drawings were objected to under 37 CRF 1.83(a). Specifically, the Examiner suggests that the drawings do not show every feature specified in the claims. *See* Office Action, paragraph 2. The Applicant respectfully requests reconsideration. The following claim language that was objected to is related to the following elements of the drawings as discussed in the cited sections of the Applicant's Specification.

- "formulate discover message" – 334 of Fig. 3C as discussed at the Applicant's Specification, page 27, lines 6-8 among other places.
- discover message for "one or more proffered IP addresses for assignment to the interface lacking connectivity to the at least one server." – 334 of Fig. 3C for assignment to interface coupling of 204 to 214 in Fig. 2 or interface coupling 206 to 214 in Fig. 2 as discussed at the Applicant's Specification page 27, lines 7-15 among other places.
- "configured and arranged to receive and examine an acknowledgment from the at least one server that confirms its receipt of the request message." – 344 of Fig. 3C as discussed at the Applicant's Specification, page 28, lines 17-21 among other places.
- "the discover message contains an option that is marked by the layer three device to indicate that it is requesting assignment of one or more IP addresses for an interface lacking connectivity to the at least one server." – 406 of Fig. 4A as

discussed at the Applicant's Specification, page 27, lines 8 – 13 among other places.

- "offer includes a variable length IP address bearer option." – 420 of Fig. 4B as discussed at the Applicant's Specification, page 24, lines 12 – 15 among other places.
- "offer message includes a routing parameter option." – 430 of Fig. 4C as discussed at the Applicant's Specification, page 25, lines 11 – 13 among other places.
- "the intermediate device is a router." – 214 of Fig. 2 as discussed at the Applicant's Specification, page 14, line 13 to page 15, line 3 among other places.
- "offer sent by the at least on server includes a subnet mask for use with the interface lacking connectivity to the at least one server." – 426 of Fig. 4B for use with the interface coupling 204 to 214 or 206 to 214 as discussed at the Applicant's Specification page 27, lines 17-20 among other places.
- "lease time indicating a life of the respective proffered address" – 130 of Fig. 1 as discussed at the Applicant's Specification, page 19, line 21 – page 20, line 7 among other places.
- "verifying that an offer is not received in response to the discover message from the interface lacking connectivity to the server." 332 of Fig. 3C as discussed at the Applicant's Specification, page 26, line 20 to page 27, line 5 among other places.

Accordingly, the Applicant respectfully urges that the drawings relate to every feature specified in the claims, and respectfully requests the objection be withdrawn

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Claim Objections

At paragraph 3 of the Office Action, claim 40 was objected to based on an

informality. The Applicant respectfully urges this objection is addressed.

Claim Rejections – 35 USC §112, second paragraph

At paragraph 4 of the Office Action, claims 36 and 37 were rejected under 35 U.S.C. §112, second paragraph. Specifically, the Examiner suggested that there is insufficient antecedent basis for the limitation "its" in claims 36 and 37. The claims have been amended to no longer refer to "it" and accordingly this rejection is believed to be moot.

Claim Rejections – 35 USC §102

At paragraph 5 of the Office Action, claims 35 – 40, 46 and 49 – 62 were rejected under 35 U.S.C. §102(e) over Beser, U.S. Patent No. 6,049,826 (hereinafter "Beser").

The Applicant's claim 35, representative in part of the other rejected claims, sets forth (emphasis added):

> 35. A layer three device for connection to a computer network having at least one server, the layer three device having a plurality of interfaces each representing a logical connection to the computer network, the layer three device comprising:
>
> a message transmitter connected to the computer network; and
>
> a message receiver connected to the computer network,
>
> wherein the message transmitter is configured and arranged to formulate and ***broadcast a discover message from an interface of the layer three device that provides connectivity via the network to the server, the discover message indicating that the layer three device is requesting assignment of one or more Internet Protocol (IP) addresses for an interface lacking connectivity to the at least one server***, and the message receiver is configured and arranged to receive and examine an offer sent by the at least one server, that includes at least one or more proffered IP addresses for assignment to the interface lacking connectivity to the at least one server.

Beser discuss a technique for initializing a cable modem using a personalized a configuration file. See Beser, col. 3, lines 20 – 25. A conventional DHCP protocol is employed as part of this initialization. *See*, Beser, table 5 and col. 15, lines 53 – 67.

Specifically, Beser states, "[i]f DHCP 666 giaddr-field 130 (FIG. 6) in a DHCP message from a DHCP 66 client is non-zero, the DHCP 66 server sends any return message to a DHCP 66 server…" *See* Beser, col. 15, lines 63 – 65.

The Applicant respectfully urges that Beser is silent concerning the Applicant's claimed novel "***broadcast a discover message from an interface of the layer three device that provides connectivity via the network to the server, the discover message indicating that the layer three device is requesting assignment of one or more Internet Protocol (IP) addresses for an interface lacking connectivity to the at least one server***."

The Applicant novelly broadcasts a discover message from one interface of a layer 3 device requesting assignment of a IP address for another different interface of the layer 3 device. Specifically, the Applicant broadcasts a discover message "***from an interface of the layer three device that provides connectivity via the network to the server***," where the discover message is "***requesting assignment of one or more Internet Protocol (IP) addresses for an interface lacking connectivity to the at least one server.***" First, Beser makes no mention of sending any discover messages to request IP addresses for use by a layer 3 device, instead only discussing requesting IP addresses for use by host computers or other end nodes. Second, Beser makes no mention of any interface that has connectivity to a server sending a discover message to request assignment of an IP addresses for use with another interface that does not have connectivity to the server (i.e., as opposed to for use with the interface that is sending the discover message).

In reference to the first point, the Applicant respectfully urges that Beser discusses a host or end node requesting the assignment of IP addresses, and is silent regarding requesting IP addresses for use by a layer 3 device. For example, Table 5 of Beser states, "[a] network **host** client broadcasts a DHCP DISCOVER 66 message…" (Emphasis added). *See,* Beser, col. 14, lines 45 – 37. No mention is made of any **layer three device** requesting the assignment of one or more IP addresses, as is claimed by the Applicant.

In reference to the second point, the Applicant respectfully urges that Beser is simply silent on the subject. That is, Beser makes no mention of any interface that has

connectivity to a server sending a discover message to request assignment of an IP addresses for use with another interface that does not have connectivity to the server (i.e., as opposed to for use with the interface that is sending the discover message).

Accordingly, for at least the aforementioned reasons, the Applicant respectfully urges that Beser is legally insufficient to render the present claims unpatentable under 35 USC §102 because of the absence in Beser of the Applicant's claimed novel "***broadcast a discover message from an interface of the layer three device that provides connectivity via the network to the server, the discover message indicating that the layer three device is requesting assignment of one or more Internet Protocol (IP) addresses for an interface lacking connectivity to the at least one server***."

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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